

# **Local Agency Formation Commission Of Modoc County**

## **Special Meeting Minutes of April 23, 2007**

### **1. Call to Order:**

Vice-Chairman Dunn called the meeting to order at 5:07 pm in the City Council Chambers, Alturas City Hall.

Commissioners present: Rod Gately, Mike Dunn, George Andreasen, and Dan Macsay

Commissioners absent: Marie Neer

Alternate present: Rod Cameron, alternate for Marie Neer

Staff present: John Benoit, Executive Officer and Patricia Clark, Clerk

Pledge of Allegiance

### **2. Approval of Agenda:**

Commissioner Macsay made the motion to approve the agenda; seconded by Commissioner Gately. All in favor. Chairman Neer absent.

### **3. Correspondence:**

- Public Utilities Commission: draft resolution and approval regarding supporting improved coordination with Local Agency Formation Commissions by water and wastewater utilities.
- CALFCo correspondence

### **4. Approval of Minutes:**

Commissioner Macsay requested that it be noted in the February 27, 2007 minutes that Chairman Neer turned the meeting over to Vice-Chairman Dunn and dismissed herself.

Commissioner Macsay made the motion to approve the minutes of February 27, 2007 with the correction; seconded by Commissioner Gately. All in favor: Rod Gately, Mike Dunn and Dan Macsay; George Andreasen and Rod Cameron, Alternate abstained. Chairman Neer absent.

### **5. PUBLIC FORUM:** Members of the public may address the Commission on matters under its jurisdiction that are not on the agenda. The Commission may limit the public comment to three minutes. The Commission may not render any decisions

other than those items that are contained on the agenda; the public may request an item to be placed on a subsequent agenda.

Vice-Chairman Dunn noted that no comments were received.

**6. PUBLIC HEARINGS:**

**Conduct public hearing regarding the adoption of 2007-2008 Work Plan and the Proposed Budget for fiscal year 2007-2008.**

John Benoit: Prepared a work program and budget justification in one document which is enclosed in your packet. In the work program, I anticipate the small and medium reorganizations. John reviewed the seven page budget justification report.

- Collaborate with County and City in reviews in terms of proposals that may come before LAFCo. In subdivisions, like the one proposed in Cedarville, LAFCo needs to look at the environmental review because we're a responsible agency and we need to provide comments to the County. Otherwise LAFCo has the option of doing a new environmental review entirely because of our role as a responsible agency. (The Cedarville subdivision (Odgers) will have to be annexed into the Cedarville Water Dist.)
- Explained the justification for the budget figures for the 2007-2008 budget.
- Reviewed activities involved that are directly related to the budget.
- Project-oriented workshops on controversial projects.
- LAFCo as a lead agency must address comments on projects.
- Municipal Service Reviews (MSR) completed is directly proportional to the budget.
- Sphere of Influences.
- Public education. Executive Officer prepares presentations to services clubs.
- Special reports for the Commissions, i.e., service capabilities, groundwater.
- LAFCo water committee is going to be involved in the County General Plan update from a water perspective.
- Subdivisions-possible annexation into water districts such as the subdivision in Cedarville.
- Legal fees - depending on projects and need for legal counsel.
- Another cost to the budget would be the CALAFCo conference and dues (\$675).
- \$56430 Cortese-Knox-Hertzberg: There's a big section, which is the requirements for service reviews.
- Publication of legal notices was increased, especially for the MSR's that are coming up.
- Put in \$30,000 for the MSR's update.

Expect a possible carryover of \$35,000 from this year to next year and approximately \$4,000 in application fees. There's approximately \$53,708.95 in the budget. We haven't received the contributions from the City of Alturas or County of Modoc yet. They will probably do a transfer before the end of the fiscal year.

I am proposing to lower the City and County portion. Next year we would, according to the budget, ask for \$20814.00. The purpose would be to have the monies available to do the MSR's.

No public comments regarding the proposed budget; closed public hearing at 5:38 pm.

Commissioner Macsay made the motion to adopt the work plan and approve Resolution 2007-0003; seconded by Commissioner Andreason. All in favor: Commissioners Macsay, Dunn, Andreasen and Gately. Chairman Neer absent and Rod Cameron abstained.

7. **PUBLIC HEARING:**

**Prioritize MSR's and SOI's for completion.**

- Cedarville – water
- Newell – water and sewer
- Alturas – has MSR but need to update sphere
- Likely – water, they show they have a County Water District that's provided by the railroad; further investigation is required for this. Need to take off list if not a water district.
- Adin – sewer
- Cal Pines – water and sewer

Proposing a work program for the MSR's, which would be pretty simple. We start on communities that provide water and wastewater. Those are the important ones. Fire: fire is another difficult one because there are numerous districts. Need to focus on water districts and fire districts, and the others do later.

MSR's get out-of-date real quick, that's the problem with them.

Need to focus on growth-inducing districts, i.e., Irrigation Districts, Cemetery Districts, and Pest Abatement Districts. If they're growth inducing, we need to look at them closer. Some districts choose not to be a member of LAFCo but the legislation changed this for us; they will have to be on LAFCo.

Commissioner Macsay stated we need a 2007-2008 work plan for the MSR's.

If the County takes over the State Watermaster duties; would that be required to come under LAFCo?

John: It depends on what you want to do. If you want to form a county-wide, county service area to do that, yes, it would come under LAFCo.

Commissioner Macsay: It's going to become a department within the County.

John: Probably not. If you have to form a government organization, with various benefit zones such as a CSA, then it would come to LAFCo. You can do it as an association or give it to a County department, like Public Works, then, no.

Commissioner Macsay made the motion to authorize staff to begin prioritizing MSR's and SOI's; seconded by Commissioner Andreasen. All in Favor: Commissioners Macsay, Andreasen, Dunn, Gately and Cameron (Alternate). Marie Neer was absent.

**8. Review and Authorize payment of Claims.**

Commissioner Macsay made the motion to authorize payment of February 2007 and March 2007 claims; seconded by Commissioner Gately. All in favor: Commissioners Macsay, Gately, Dunn, and Andreason. Rod Cameron, Alternate abstained. Marie Neer was absent.

**9. Conduct workshop on Proposed Policies and Procedures.**

John recommended that the Commission only cover to Page 13, Sections 1 and 2, today of the Policy and Procedures and the balance over the next four meetings.

John gave an overview of the following:

The first part 1.1 is the purpose of the Policies and Procedures. These are all updated. The purpose of the Policies and Standards are to provide information to applicants, set criteria, ensure consistency, facilitate communication, minimize adverse impacts and provide for planned, well-ordered efficient urban development patterns. On Page 2, Legislature's Creation of LAFCO; a lot of districts were circumventing LAFCo and going right to the legislature. John gave an overview of how LAFCo was created and the eight recommendations the Commission gave to the legislature. (Listed bottom of Page 2 and top of Page 3) LAFCo gets their powers directly through the legislature.

Page 3, Policy Direction to: show orderly growth, logical boundaries, efficient services, preserve AG and open spaces, specific authority (approve annexations, formation or dissolution of districts and incorporation or disincorporation of cities, consolidations, subsidiary district, development of spheres of influence, extensions of services, new services by districts and may review and approve proposals that extend service), limited authority to initiate proposals, limitation of authority relating to land use conditions, information sharing joint planning/conduct of activities and transfers of jurisdiction

Page 6, Policies and Standards to: communicate between local agencies, urban development, discouraging urban sprawl, environmental consequences (CEQA), balancing jobs and housing, compact urban form and infill development encouraged, public accessibility and accountability, adequate services, efficient services, community impacts, conformance with general and specific plans (Consistency with General and Specific Plans, planning jurisdiction, notification of consistency, consistency found adequate and rezoning or planning), boundaries (Definite boundaries, boundary criteria, boundary adjustments and boundary disapprovals), revenue neutrality, agricultural and open-space land conservation (conditions for approval of prime AG and open-space land conversion, finding with respect to alternative sites, determining impact on adjacent AG/open-space lands and comments on prime AG/Open-Space projects), need for services (public health and safety threat, community needs, five-year urbanization), exceptions and tribal lands.

There is no appeal process for LAFCo except court.

**10. Executive Officer's Monthly Report – General Discussion.**

Conversation took place regarding the possibility of a health-care district within Modoc County.

Discussion regarding the attendance of the Commissioners at the CALAFCo Conference in August. Commissioner Macsay will attend and Commissioner Dunn and Gately might be able to attend. John gave an overview of some of the training, workshops and roundtable discussions that are offered at the conference.

**11. Commissioner Reports – Discussion**

No reports.

There being no further business to come before this Commission, the meeting was adjourned at 7:04 pm.

Respectfully submitted,

Patricia Clark, Secretary

Approved: \_\_\_\_\_  
Mike Dunn, Vice-Chair, LAFCo

Attest: \_\_\_\_\_  
John Benoit, Executive Officer